

**COX, WOOTTON, GRIFFIN,  
HANSEN & POULOS, LLP**

Terence S. Cox (SBN 076142)  
Marc T. Cefalu (SBN 203324)  
190 The Embarcadero  
San Francisco, CA 94105  
Telephone No.: 415-438-4600  
Facsimile No.: 415-438-4601

Attorneys for Defendant  
AMERICAN SHIP MANAGEMENT, LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

GEORGE ROBERTS, ) Case No.: C 04-1933 JSW  
Plaintiff, )  
v. )  
AMERICAN SHIP MANAGEMENT, LLC )  
Defendants. )  
**STIPULATION AND  
[PROPOSED] ORDER TO  
CONTINUE THE EXPERT  
DISCLOSURE DEADLINE, THE  
EXPERT DISCOVERY CUTOFF,  
AND THE LAST DAY TO HEAR  
DISPOSITIVE MOTIONS**

IT IS HEREBY STIPULATED by and between the parties to this action, through their respective counsel, that ***good cause*** exists to continue the expert disclosure deadlines of June 3, 2005 [plaintiff's disclosure of experts and reports], June 17, 2005 [defendant's disclosure of experts and reports], and July 1, 2005 [last day for rebuttal expert reports] by approximately 60 to 90 days to allow for the simultaneous disclosure of experts and reports by August 12, 2005, with any rebuttal reports due August 26, 2005, to continue the current expert discovery cutoff of August 19, 2005 to September 23, 2005, and to likewise continue the last day to hear dispositive motions from July 1, 2005 to September 2, 2005. ***The requested continuances will have no effect on the trial date, pretrial filing dates, the Pretrial Conference date or any other deadlines already imposed by the Court.*** The parties submit that the requested continuances are in the interests of justice based upon the following:

COX, WOOTTON,  
GRIFFIN, HANSEN  
& POULOS, LLP  
190 THE EMBARCADERO  
SAN FRANCISCO,  
CA 94105  
TEL: 415-438-4600  
FAX: 415-438-4601

- 1           1. The plaintiff is a merchant seaman who resides in Tacoma, Washington.
- 2           2. The parties appeared before this Court on November 12, 2004 for the Initial  
3           Case Management Conference. At that time, the Court set the following  
4           schedule: (1) Fact Discovery cutoff of May 20, 2005; (2) Expert Discovery  
5           Cutoff of August 19, 2005; (3) Plaintiff to disclose Experts and Reports by  
6           June 3, 2005; (4) Defendant to disclose Experts and Reports by June 17,  
7           2005; (5) Last day to disclose rebuttal reports of July 1, 2001; (6) the last day  
8           to hear dispositive motions by July 1, 2005; (7) a further Case Management  
9           Conference on April 15, 2005 with a Pretrial Conference scheduled for  
10           October 11, 2005 and trial scheduled for October 31, 2005.
- 11           3. Due to scheduling difficulties the parties were unable to schedule the  
12           plaintiff's deposition before the April 15, 2005 Further Case Management  
13           Conference. At the Further Case Management Conference the Court Issued  
14           its Civil Minute Order directing that Private Mediation be completed by July  
15           15, 2005, that "Discovery is opened for 5 depositions for mediation  
16           purposes," that the Settlement Conference before Magistrate Judge Chen be  
17           vacated and that a Further Case Management Conference be scheduled for  
18           July 29, 2005.
- 19           4. The plaintiff's deposition began on May 13, 2005, in San Francisco,  
20           California. The plaintiff's deposition was not able to be completed on May  
21           13, 2005 due to the scheduling of a mediation in another matter for that same  
22           date with the same plaintiff's counsel.
- 23           5. The plaintiff's deposition was completed in Seattle, Washington on June 22,  
24           2005. The depositions of the plaintiff's treating physicians were also  
25           completed in the Seattle area on June 22 and 23, 2005, which were the first  
26           set of back-to-back dates available to schedule the doctors' depositions  
27           which were also convenient to counsels' calendars so as to avoid the time  
28           and the legal expense of having to travel to the Seattle area on more than

COX, WOOTTON,  
GRIFFIN, HANSEN  
& POULOS, LLP  
190 THE EMBARCADERO  
SAN FRANCISCO,  
CA 94105  
TEL.: 415-438-4600  
FAX: 415-438-4601

ASM.Roberts/2166

1 once occasion to complete those depositions.

2 6. Since both the plaintiff's deposition and the depositions of his treating  
3 physicians could not be completed until June 23, 2005, it would have been  
4 premature to disclose experts and reports prior to that time.

5 7. The parties respectfully request that the parties be allowed to simultaneously  
6 disclose experts and reports on August 12, 2005 with rebuttal reports due  
7 August 26, 2005, that the expert discovery cut-off be extended to September  
8 23, 2005 and that the last day to hear dispositive motions be continued to  
9 September 2, 2005. The requested continuances are in the interests of justice  
10 and will provide the parties with adequate time to prepare their cases for trial  
11 should the case not settle at mediation.

12 Dated: June 28, 2005

13 LAW OFFICES OF LYLE C. CAVIN, JR.  
14 Attorneys for Plaintiff, GEORGE ROBERTS

15 By: Alfred G. Johnson  
16 Alfred G. Johnson

17 Dated: June 28, 2005

18 COX, WOOTTON, GRIFFIN,  
19 HANSEN & POULOS, LLP  
20 Attorneys for Defendant  
21 AMERICAN SHIP MANAGEMENT, LLC

22 By: Terence S. Cox  
23 Terence S. Cox

24 PURSUANT TO STIPULATION IT IS ORDERED THAT:

25 The simultaneous Disclosure of Experts and Reports is continued to August 12, 2005;

26 The exchange of any Rebuttal Expert Reports is continued to August 26, 2005;

27 The Expert Discovery Cutoff is continued to September 23, 2005; and,

28 The last day to hear dispositive motions is continued to September 30, 2005.

29 By: /s/ Jeffrey S. White

30 The Honorable Jeffrey S. White